

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JOHN ANTHONY TURNER,

Petitioner,

v.

**Civil Action No. 3:07cv59
(Judge Bailey)**

WARDEN THOMAS McBRIDE,

Respondent.

ORDER DENYING MOTIONS FOR COUNSEL

On May 9, 2007, *pro se* petitioner, John Anthony Turner, filed a petition for habeas corpus pursuant to 28 U.S.C. §2254. On May 18, 2007, the petitioner filed a Motion for appointment of counsel, which was denied on June 4, 2007. On July 24, 2007, the petitioner filed another Motion for appointment of counsel. As noted in the May 18, 2007 order, in contrast to a criminal proceeding in which the Court has a duty to assign counsel to represent an indigent defendant in accordance with his constitutional rights, the Court in a civil case has the discretion to request an attorney to represent a person unable to employ counsel. See 28 U.S.C. §1915(e)(1). It is well settled that in a civil action the Court should appoint counsel to represent an indigent only after a showing of a particular need or exceptional circumstances. Cook v. Bounds, 518 F.2d 779 (4th Cir. 1975). The petitioner has failed to demonstrate that his current circumstances require the appointment of counsel for him to pursue his habeas corpus petition. Furthermore, the undersigned has determined that the underlying petition for habeas corpus is untimely and due to be dismissed. Thus, the Court finds that appointment of counsel is not necessary. Accordingly, the petitioner's motions for appointment of counsel (dckt. 14) is **DENIED**.

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* petitioner and any counsel of record.

DATED: August 9, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE